

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	<b>Confirmation No. 2366</b>
Yuichi FUTA et al.	:	Attorney Docket No. 2006_0545A
Serial No. 10/575,705	:	Group Art Unit 3714
Filed April 13, 2006	:	Examiner LIM, SENG HENG
GAME SYSTEM	:	<b>Mail Stop: AF</b>

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**AMENDMENT UNDER 37 C.F.R. 1.116**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of May 15, 2008, please amend the above-identified U.S. Patent application as follows.

*The Commissioner is authorized to charge any deficiency  
or to credit any overpayment associated with this  
communication to Deposit Account No. 23-0975*

*Response Under 37 CFR 1.116  
Expedited Procedure  
Examining Group 3700*

DO NOT ENTER: /S.H.L./

## AMENDMENTS TO THE CLAIMS

Please cancel claims 5 and 15 without prejudice or disclaimer to the subject matter claimed therein. Please amend claims 1, 2, 9 - 11, 14 and 16 as follows.

**1. (Currently Amended)** A game system comprising a first game execution apparatus and a second game execution apparatus that have a different internal structure from each other, wherein

the first game execution apparatus includes:

a first program reading unit operable to read, from a first game recording medium, a first game program that indicates a procedure of a game;

a first character reading unit operable to read, from a portable recording medium, predetermined character data that indicates an attribute of a character that appears in the game;

a first input unit operable to receive an inputting operation from a user; and

a first game execution unit operable to proceed with the game according to the inputting operation received at the first input unit and the procedure indicated by the first game program, and to cause the character to appear in the game in accordance with the predetermined character data read by the first character reading unit, and

the second game execution apparatus includes:

a second program reading unit operable to read, from a second game recording medium, a second game program that indicates the procedure of the game;

a second character reading unit operable to read the predetermined character data from the portable recording medium;

a second input unit operable to receive an inputting operation from the user; and

a second game execution unit operable to proceed with the game according to the inputting operation received at the second input unit and the procedure indicated by the second game program, and to cause the character to appear in the game in accordance with the predetermined character data read by the second character reading unit, wherein

the predetermined character has a plurality of attributes, and to each of which a game execution apparatus is assigned for permitting a change of the attributes, wherein

the first game execution apparatus ~~and the second game execution apparatus each~~ respectively further comprises:

a first permission information reading unit operable to read, from the first game recording medium, first permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the assigned first game execution apparatus, the first game recording medium storing the first permission information, and

in accordance with the read first permission information, the first game execution unit and the second game execution unit each respectively change changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibit-prohibits an attribute not permitted to be changed by the first game execution apparatus from being changed, wherein

the second execution apparatus further comprises:

a second permission information reading unit operable to read, from the second game recording medium, second permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the second game execution apparatus, the second game recording medium storing the second permission information, and

in accordance with the read second permission information, the second game execution unit changes the attribute permitted to be changed by the second execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the second game execution apparatus from being changed, wherein

the first permission information and the second permission information are associated with the plurality of the attributes of the character indicated by the predetermined character data.

**2. (Currently Amended)** A game execution apparatus that proceeds with a game according to a game program, comprising:

a program reading unit operable to read, from a game recording medium, a game program that indicates a procedure of a game;

a character reading unit operable to read, from a portable recording medium, character data that indicates an attribute of a character that appears in the game;

an input unit operable to receive an inputting operation from a user; and

a game execution unit operable to proceed with the game according to the inputting operation and the procedure, and to cause the character to appear in the game in accordance with the character data, wherein

the character has a plurality of attributes, ~~and to each of which a game execution apparatus is assigned for permitting a change of the attributes, wherein~~

the game execution apparatus further comprises:

a permission information reading unit operable to read from the game recording medium permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the ~~assigned~~ game execution apparatus, the game recording medium storing the permission information therein, and

in accordance with the read permission information, the game execution unit changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the game execution apparatus from being changed, wherein

the permission information is associated with the plurality of the attributes of the character indicated by the character data.

**3. (Original)** The game execution apparatus of claim 2, further comprising:  
a request unit operable to request the character data from a server apparatus;  
an obtaining unit operable to obtain the character data from the server apparatus via a network; and  
a writing unit operable to write the obtained character data to the portable recording medium.

**4. (Original)** The game execution apparatus of claim 2, further comprising:  
an authentication unit operable to check authenticity of the portable recording medium,  
wherein  
the character reading unit reads the character data when the authenticity has been ensured.

**5. (Cancelled)**

**6. (Previously Presented)** The game execution apparatus of claim 2, further comprising:  
a character writing unit operable to, when the game execution unit changes the attribute of the character, overwrite the character data in the portable recording medium with after-change character data that indicates the attribute of the characteristic after being changed, wherein the character reading unit further reads the after-change character data from the portable recording medium, and

the game execution unit changes the attribute of the character as the game proceeds, in accordance with the read after-change character data.

**7. (Previously Presented)** The game execution apparatus of claim 2, further comprising:  
a writing unit operable to write the read permission information to the portable recording medium.

**8. (Previously Presented)** The game execution apparatus of claim 2, wherein the game recording medium further stores therein a degree of change allowed to the attribute, in association with the permission information, and the game execution unit changes the attribute of the character as the game proceeds, in accordance with the degree of change stored in the game recording medium.

**9. (Currently Amended)** A portable recording medium comprising:  
a storage unit that stores therein character data that indicates an attribute of a character that appears in a game;  
an authentication unit operable to check authenticity of a game execution apparatus; and  
an output unit operable to, when the authenticity has been ensured, read the character data from the storage unit and output the read character data to the game execution apparatus, wherein the character has a plurality of attributes, ~~and to each of which a game execution apparatus is assigned for permitting a change of the attributes, wherein~~  
the portable recording medium stores therein permission information for ~~each of a plurality of game execution apparatuses—the game execution apparatus~~, the permission information indicating which attribute from the plurality of attributes is permitted to be changed by the ~~assigned~~ game execution apparatus, wherein

the permission information is associated with the plurality of the attributes of the character indicated by the character data.

**10. (Currently Amended)** A game execution method used by a game execution apparatus that proceeds with a game according to a game program that indicates a procedure of the game, the game execution method comprising:

reading, from a game recording medium, a game program that indicates a procedure of a game;

reading, from a portable recording medium, character data that indicates an attribute of a character that appears in the game;

receiving an inputting operation from a user; and

proceeding with the game according to the inputting operation and the procedure, and causing the character to appear in the game in accordance with the character data, wherein

the character has a plurality of attributes, ~~and to each of which a game execution apparatus is assigned for permitting a change of the attributes, wherein~~

the game execution apparatus further comprises:

a permission information reading unit operable to read permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the ~~assigned~~ game execution apparatus, and

in accordance with the read permission information, the game execution unit changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the game execution apparatus from being changed, wherein

the permission information is associated with the plurality of the attributes of the character indicated by the character data.

**11. (Currently Amended)** A game execution program used by a game execution apparatus that proceeds with a game according to a game program that indicates a procedure of the game, the game execution program causing the game execution apparatus to execute a method comprising:

reading, from a game recording medium, a game program that indicates a procedure of a game;

reading, from a portable recording medium, character data that indicates an attribute of a character that appears in the game;

receiving an inputting operation from a user; and

proceeding with the game recording to the inputting operation and the procedure, and causing the character to appear in the game in accordance with the character data, wherein

the character has a plurality of attributes, ~~and to each of which a game execution apparatus is assigned for permitting a change of the attributes, wherein~~

the game execution apparatus further comprises:

a permission information reading unit operable to read permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the assigned game execution apparatus, and

in accordance with the read permission information, the game execution unit changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the game execution apparatus from being changed, wherein

the permission information is associated with the plurality of the attributes of the character indicated by the character data.

**12. (Previously Presented)** The game execution program of claim 11, further having the game execution apparatus to execute:

requesting the character data from server apparatus;

obtaining the character data from the server apparatus via a network; and writing the obtained character data to the portable recording medium.

**13. (Original)** The game execution program of claim 12, being recorded in a computer-readable recording medium.

**14. (Currently Amended)** A computer-readable recording medium that stores therein a game execution program used by a game execution apparatus that proceeds with a game according to a game program, the game program indicating a procedure of the game, wherein the game execution program has the game execution apparatus to execute a method, comprising:

reading, from a game recording medium, a game program that indicates a procedure of a game;

reading, from a portable recording medium, character data that indicates an attribute of a character that appears in the game;

receiving an inputting operation from a user; and

proceeding with the game according to the inputting operation and the procedure, and causing the character to appear in the game in accordance with the character data, wherein

the character has a plurality of attributes, ~~and to each of which a game execution apparatus is assigned for permitting a change of the attributes, wherein~~

the game execution apparatus further comprises:

a permission information reading unit operable to read permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the ~~assigned~~ game execution apparatus, and

in accordance with the read permission information, the game execution unit changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the game execution apparatus from being changed, wherein

the permission information is associated with the plurality of the attributes of the character indicated by the character data.

**15. (Cancelled)**

**16. (Currently Amended)** The game execution apparatus of claim 2, wherein ~~the game recording medium further stores therein permission information for each of a plurality of game execution apparatuses, and~~



~~the permission information reading unit reads the permission information from the game recording medium, and~~

in accordance with permission information for the game execution apparatus, the game execution unit changes each of the attributes, or prohibits each of the attributes from being changed.

### **REMARKS**

Upon entry of this amendment, claims 1 - 4, 6 - 14 and 16 are all the claims pending in the application. Claim 5 was canceled by a previous amendment and claim 15 has been canceled without prejudice or disclaimer by this amendment. Claims 1, 2, 9 - 11, 14, and 16 have been amended for reconsideration by the Examiner. No new matter has been added. In view of the above amendments and the following remarks, reconsideration and further examination are requested. Therefore, it is respectfully submitted that the above amendments do not introduce any new matter within the meaning of 35 U.S.C. §132. It is also submitted that these amendments were made to clarify the invention and do not present new issues that would require further consideration or search.

#### **Claim Rejections under 35 U.S.C. § 102**

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by EP Patent No. 0991007 to Miyamoto et al. Claims 2, 4, 6 - 8, 15 and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Miyamoto et al. Claim 9 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,190,257 to Takeda et al. Claim 10 is rejected under 35 U.S.C. § 102(b) as being anticipated by Miyamoto et al. Claim 11 is rejected under 35 U.S.C. § 102(b) as being anticipated by Miyamoto et al. Claim 14 is rejected under 35 U.S.C. § 102(b) as being anticipated by Miyamoto et al.

Applicants respectfully traverse the rejections on the following basis. Applicants respectfully submit that Miyamoto et al. fails to teach or suggest each and every element of the claims, as amended.

Amended independent claims 1 and 2 recite a combination of elements, *inter alia*:

"...a game execution unit operable to proceed with the game according to the inputting operation...and the procedure..., and to cause the character to appear in the game in accordance with the character data..., wherein

the character has a plurality of attributes, wherein

the...game execution apparatus further comprises:

a permission information reading unit operable to read from the...game recording medium...permission information that indicates which attribute from the plurality of attributes is

permitted to be changed by the...game execution apparatus, the...game recording medium storing the...permission information therein, and

in accordance with the read...permission information, the...game execution unit changes the attribute permitted to be changed by the...game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the...game execution apparatus from being changed, wherein

the...permission information is(are) associated with the plurality of the attributes of the character indicated by the character data". [Emphasis added]

Amended independent claim 9 recites a combination of elements, *inter alia*:

"...an output unit operable to, when the authenticity has been ensured, read the character data from the storage unit and output the read character data to the game execution apparatus, wherein

the character has a plurality of attributes, wherein

the portable recording medium stores therein permission information for the game execution apparatus, the permission information indicating which attribute from the plurality of attributes is permitted to be changed by the game execution apparatus, wherein

the permission information is associated with the plurality of the attributes of the character indicated by the character data". [Emphasis added]

Amended independent claim 10 recites a combination of elements, *inter alia*:

"...proceeding with the game according to the inputting operation and the procedure, and causing the character to appear in the game in accordance with the character data, wherein

the character has a plurality of attributes,

...a permission information reading unit operable to read permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the game execution apparatus, and

in accordance with the read permission information, the game execution unit changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the game execution apparatus from being changed, wherein

the permission information is associated with the plurality of the attributes of the character indicated by the character data". [Emphasis added]

Amended independent claim 11 recites a combination of elements, *inter alia*:

“...proceeding with the game recording to the inputting operation and the procedure, and causing the character to appear in the game in accordance with the character data, wherein the character has a plurality of attributes,

... a permission information reading unit operable to read permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the game execution apparatus, and

in accordance with the read permission information, the game execution unit changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the game execution apparatus from being changed, wherein

the permission information is associated with the plurality of the attributes of the character indicated by the character data". [Emphasis added]

Amended independent claim 14 recites a combination of elements, *inter alia*:

"...proceeding with the game according to the inputting operation and the procedure, and causing the character to appear in the game in accordance with the character data, wherein the character has a plurality of attributes,

...a permission information reading unit operable to read permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the game execution apparatus, and

in accordance with the read permission information, the game execution unit changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the game execution apparatus from being changed, wherein

the permission information is associated with the plurality of the attributes of the character indicated by the character data". [Emphasis added]

With this structure, control is performed such that an attribute of a character, such as life power, for example, which appears in a game, can be increased on a portable apparatus and the life power on a stationary game apparatus is not permitted to be increased. Accordingly, the present invention can exhibit an excellent effect that users can enjoy different changes in the attributes of a character on different game execution apparatuses.

Regarding Miyamoto et al., Applicants note that Miyamoto et al. disclose a game system operable with backup data on different game machines. According to this game system, a first-machine 10 has a game cartridge 15 for storing backup data in its memory, which can be utilized to play a game in a second-machine 20 stored in a game cartridge 25 similar to memory cartridge 15, or a disc memory medium 35. *See* paragraphs [0036] and [0048]. In other words, the game stored in an external storage medium or for a first game apparatus is read into a second game apparatus so as to make the backup data usable on the second game apparatus. Accordingly, by processing backup data obtained through playing a game using the storage medium for the first game apparatus, it is possible to enjoy, on the second game apparatus, an associated game or a game in association with the first game apparatus.

In addition, Miyamoto et al. disclose that when there are a plurality of players (persons), another player connects his/her own cartridge 15 to his controller 24 through an extension adapter 50 (Figures 5 and 6) so that backup data is written into a second- (to -fourth) player area of RAM 26. Accordingly, backup data is written on a player-by-player basis in a manner in which one's data can be discriminated from others' data. In other words, Miyamoto et al. aims to prevent one's data from being reflected on other's data and being erroneously written over the RAM 15b of the memory cartridge 15. *See* paragraphs [0054]-[0055].

However, although it is possible to discriminate one's data from other's data in Miyamoto et al., the reference does not disclose a permission information reading unit that is "operable to read from [the] game recording medium permission information that indicates which attribute from the plurality of attributes is permitted to be changed by [the] game execution apparatus, [the] game recording medium storing [the] permission information" [therein] and a game execution unit that, "in accordance with [the] read permission information," "changes the attribute permitted to be changed by [the] game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by [the] game execution apparatus from being changed," wherein [the] "permission information [is] associated with the plurality of the attributes of the character indicated by the character data" as recited in amended independent claims 1, 2, 10, 11, and 14.

Similarly, Miyamoto et al. does not disclose that "[the] portable recording medium [stores therein] permission information" for the game execution apparatus, "[the] permission information [indicating] which attribute from the plurality of attributes is permitted to be

changed by [the] game execution apparatus,” wherein “[the] permission information [is] associated with the plurality of the attributes of the character indicated by the predetermined character data” as recited in amended independent claim 9.

Therefore, in Miyamoto et al., if a plurality of users play a single game apparatus, it is possible to prevent one's data from being reflected in others' data and from being overwritten. However, if a character that appears in a game has a plurality of attributes, it is impossible, and is not taught or suggested by Miyamoto et al., to change an attribute of the character that differs between multiple game execution apparatus.

In setting forth the rejections, the Examiner asserts in the Official Action dated on May 15, 2008 that “i.e., the permission information is the cartridge identification data or code” in Miyamoto et al. *See* paragraphs [0054]0-[0055]. However, Applicants submit that the permission information cited in the present independent claims is associated with the plurality of the attributes of the character indicated by the character data, and not the cartridge indication data or code discussed in Miyamoto et al.

Thus, Applicants respectfully submit that the pending independent claims are clearly distinguished over Miyamoto et al.

Regarding Takeda et al., Applicants note that Takada et al. disclose a system and method for providing security in a video game system. The system in Figures 16A-16F includes an authentic external storage unit 54 and a main unit 52. The authentic external storage unit 54 includes a storage medium 76 containing a video game program 502 and a corresponding security microprocessor chip 152 containing an authentication key 504 used by a manufacturing facility, an authentication code 508 computed by a computation program 506 at the manufacturing facility, and a security program. The main unit 52 determines whether the security microprocessor chip 152 appropriately corresponds to the video game before it allows the video game program 502 to play. *See* Fig.16A and column 28, lines 29 - 44.

However, Takeda et al. fail to disclose a portable recording medium that stores therein “permission information” for [the] game execution apparatus, “[the] permission information [indicating] which attribute from the plurality of attributes is permitted to be changed by [the] game execution apparatus,” [the] “permission information [is] associated with the plurality of the attributes of the character indicated by the character data”, as recited amended independent claim 9. Rather, Takeda et al. merely teach that the authentic external storage unit 54 includes a storage

medium containing a video game program 502 and a corresponding security microprocessor chip 152 containing an authentication key 504, the authentication code 508, and a security program.

Thus, Applicants respectfully submit that the pending independent claims are clearly distinguished over Takeda et al.

Accordingly, Applicants respectfully submit that Miyamoto et al. and Takada et al. fail to teach or suggest each and every element of amended independent claims 1, 2, 9, 10, 11, and 14, and requests that the rejections under 35 U.S.C. 102(b) be withdrawn.

Claims 4 and 6 - 8 depend from independent claim 2. Accordingly, Applicants submit that claim 4 and 6 - 8 are allowable at least by virtue of their dependency.

### **Claim Rejections under 35 U.S.C. § 103**

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto et al. Claims 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto et al. Applicants respectfully traverse the rejections on the following basis.

Miyamoto et al. has been discussed above. Since "anticipation is the epitome of obviousness," Connell v. Sears Roebuck & Co., 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983) (quoting In re Fracalossi, 681 F.2d 792, 794, 215 USPQ 569, 571 (CCPA 1982)), Applicants respectfully submit that Miyamoto et al. fail to teach or suggest all the features of the claims.

Claims 3, 12 and 13 depend from one of independent claims 2 and 11. Accordingly, Applicants submit that claims 3, 12 and 13 are patentable at least by virtue of their dependencies.

It is also noted that although the status of the present application is after final rejection, the present amendment is appropriate for entry in accordance with 37 C.F.R. § 1.116, as no new issues are raised that would require a further search thereby, and that the amendments clearly place the application into condition for allowance, or alternatively place the application into better condition for purposes for appeal by eliminating the grounds for the rejections. Accordingly, entry of the present amendment is respectfully requested.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Yuichi FUTA et al.

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